

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRANDON AYERS,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 134, 2005

Court Below: Superior Court
of the State of Delaware in and
for New Castle County

Cr. ID No. 0004013377

Submitted: December 5, 2005

Decided: January 18, 2006

ORDER

This 18th day of January 2006, it appears to the Court that on November 18, 2005, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice